



AF/IFW

AMENDMENT TRANSMITTAL LETTER			Attorney Docket NF10216 / P748 20022.01			
Application Serial Number:	Filing Date:	Examiner:	Group Art Unit:			
10/829,413	04/21/2004	Mark Budd	2834			
Invention: LINEAR OUTPUT, CLOSED LOOP MOVER ASSEMBLY						
TO THE COMMISSIONER OF PATENT AND TRADEMARKS: Transmitted herewith is an amendment in the above-identified application. The fee has been calculated as shown below.						
CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	NUMBER OF EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	19	MINUS	20	0	\$50	\$0
INDEP. CLAIMS	7	MINUS	7	0	\$200	\$0
<p>___ Petition is hereby made under 37 CFR 1.136(a) to extend the time for response to the Office Action of _____ to and through _____, comprising an extension of the shortened statutory period of:</p> <p>___ one month (\$120) ___ three months (\$1,020) ___ two months (\$450) ___ four months (\$1,590)</p>						
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$0
<p>___ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.</p> <p>___ A check in the amount of \$.00 is enclosed.</p> <p><input checked="" type="checkbox"/> The commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1141, pertaining to 1) any filing fees under 37 CFR 1.16 for the presentation of extra claims; 2) any patent application processing fees under 37 CFR 1.17.</p> <p><input checked="" type="checkbox"/> Any additional extension of time required for the timely submission of this paper, the fees for which have not been previously paid, is hereby petitioned for and requested.</p> <p>July 20, 2007 Date</p> <p>Steven G. Roeder, Reg. No. 37,227</p>						
CERTIFICATE OF MAILING: I hereby certify that this correspondence and all correspondence identified as accompanying this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this the 20th day of July, 2007.						
Steven G. Roeder, Reg. No. 37,227						



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Eric C. Williams et al.)	
)	
Serial No:	10/829,413)	Art Unit
)	2834
Filed:	April 21, 2004)	
)	
For:	LINEAR OUTPUT, CLOSED LOOP)	
	MOVER ASSEMBLY)	
)	
Examiner:	Mark Osborne Budd)	
)	
Attorney Docket:	NF10216 / 20022.01)	

REQUEST FOR WITHDRAWAL OF FINAL REJECTION
AND AMENDMENT AND RESPONSE AFTER FINAL
REJECTION PURSUANT TO 37 C.F.R. § 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Request for Withdrawal of Final Rejection

The Applicants respectfully submit that the final rejection contained in the Office Action dated April 26, 2007, is premature. The final rejection is believed to be premature because the Applicant's Response mailed on March 5, 2007 (hereinafter the "March Response") did not necessitate the new grounds for rejection for all of the previously pending claims, as provided below.

CERTIFICATE OF MAILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class, postage prepaid mail, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this the 20th day of July, 2007.

 S / y STEVEN G. ROEDER, Attorney for Applicants—Registration No. 37,227

The Applicants respectfully request that the final rejection of the present application be withdrawn pursuant to MPEP 706.07(a), which states in relevant part:

"...second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is *neither* necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p)." (Emphasis added.) MPEP 706.07(a).

In particular, with regard to the present application, the Office Action dated December 4, 2006 rejected all pending claims 1-19, with claims 1, 6-9 and 14-19 being rejected under 35 U.S.C. § 102(b) as being anticipated by Zumeris (U.S. Patent No. 6,064,140), and with claims 1-19 being rejected under 35 U.S.C. § 102(b) as being anticipated by Ziegler et al. (U.S. Patent No. 6,911,763). The Applicants responded in the March Response by traversing the rejection under Ziegler et al. as Ziegler et al. did not qualify as prior art. Additionally, the Applicants responded to the rejection under Zumeris in the March Response by amending claims 1, 4, 9, 11, 12 and 16. Importantly, independent claim 1 was amended with the March Response only to include the limitations of dependent claim 3, which was not previously rejected under Zumeris. Further, claim 4, which was not previously rejected under Zumeris, was amended with the March Response to be rewritten in independent form including the limitations of claim 1. Still further, claim 11, which was not previously rejected under Zumeris, was amended with the March Response to be rewritten in independent form including the limitations of claim 9. Yet further, claim 12, which was not previously rejected under Zumeris, was amended with the March Response to be rewritten in independent form including the limitations of claim 9.

Currently, with the instant Final Office Action, the Patent Office has rejected pending claims 1, 4, 11 and 12 by utilizing Zumeris, despite not having previously rejected previous claims 3, 4, 11 and 12 under Zumeris. Accordingly, because no amendment of at least claims 1, 4, 11 and 12 by the Applicants necessitated introduction of the new grounds of rejection, the instant final rejection is believed to be premature.

Additionally, MPEP §706.07(d) provides in relevant part: "If, on request by applicant for reconsideration, the primary examiner finds the final rejection to have been premature, he or she should withdraw the finality of the rejection." Thus, the Applicants respectfully

submit that pursuant to MPEP §706.07(a), the instant Final Office Action should be withdrawn in accordance with MPEP §706.07(d).

Amendment and Response

This Amendment and Response is to the Final Office Action dated April 26, 2007. Please amend the above-captioned Patent Application as set forth below. The Applicants respectfully request that this Amendment and Response be considered after final rejection because the Final Rejection is premature. The Application, as amended, is believed by the Applicants to be in proper form for allowance. Accordingly, re-examination, reconsideration, and allowance of all pending claims are respectfully requested.

Interview Summary

On July 18, 2007, the undersigned attorney for the Applicants conducted a telephonic interview with the Examiner, Mark Budd. During the interview, the rejection of claim 1 was discussed. No agreement was reached. The Applicants want to thank the Examiner for his time during the interview.